

REMARKS

Claims 2-4, 6-8 and 10-20 are all the claims pending in the application. Claims 2 and 11 have been amended to limit the definitions of L^{21} , L^{22} , and L^{23} in formula (2) to an unsubstituted methine group. Allowed claim 12 has been amended to make editorial changes without affecting the claim scope.

Entry of the above amendments is respectfully requested.

Obviousness Rejections

On page 2 of the Office Action, in paragraph 6, claims 2, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalzell et al. (US 4307182 A) in view of Donald et al. (US 4168981 A) and Steiger et al. (US 43 1786 A). Further, on page 4 of the Office Action, in paragraph 7, claims 11, 13, 15, 17 and 19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dalzell et al. (US 4307182 A) in view of Donald et al. (US 4168981 A) and Steiger et al. (US 4311786 A) as applied to claims 2, 6 and 10, and in further view of Harada et al. (US 4800148 A).

The Examiner's position is set forth in detail in the Office Action and will not be repeated here for purposes of brevity.

In response, Applicants submit that Steiger does not teach or suggest a compound represented by formula (2), wherein L^{21} , L^{22} , and L^{23} each independently represents an unsubstituted methine group, for use in a photopolymerizable composition or in a recording material containing the photopolymerizable composition as presently claimed.

In this regard, Applicants submit that the formula shown on page 4 in the Office Action is not the formula of a dye of the formula (5), but rather is the formula of a starting material for preparing a dye of the formula (5), contrary to the Examiner's indication in the sentence bridging pages 3-4 in the Office Action.

That is, the formula shown at the top of page 4 of the Office Action is actually the formula (101) (see the right side of col. 15, line 31, where "(101)" is shown next to the formula depicted by the Examiner). As discussed at col. 15, lines 61-62, the dye of the formula (5) is obtained based on the starting material of the formula (101).

The dye of the formula (5) is actually shown at col. 9, lines 37-51. As can be seen from col. 9, lines 37-51, the groups corresponding to L^{21} , L^{22} , and L^{23} are all substituted methine groups (namely, methine groups substituted with chlorine), not unsubstituted methine groups.

Thus, if one of ordinary skill in the art were to combine the references cited by the Examiner, one would at best substitute a dye of Steiger, not a starting material to make the dye, in place of the dye in Dalzell, and as a result would not arrive at the present invention.

Accordingly, Applicants submit that the present invention is not obvious over the cited art combinations, and withdrawal of these rejections is respectfully requested.

Allowable Subject Matter

On page 6 of the Office Action, in paragraph 8, the Examiner indicates that claims 3-4, 7-8, 12, 14, 16, 18 and 20 are allowed.

Applicants thank the Examiner for indicating that claims 3-4, 7-8, 12, 14, 16, 18 and 20 are allowed. Based on the foregoing amendments and remarks, Applicants submit that the other pending claims should be allowed as well, and thus allowance of all the pending claims is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,



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